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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES WILLIAM SARRATT,

No. C 11-03163 CW
CR 08-00283 CW

Movant,

v.

UNITED STATES OF AMERICA,

ORDER DENYING THIRD
MOTION TO VACATE,
SET ASIDE OR CORRECT
SENTENCE PURSUANT TO
28 U.S.C. § 2255

Respondent.

/

On June 24, 2011, Movant James William Sarratt filed a motion under 28 U.S.C. section 2255 to vacate, set aside or correct his sentence. Because this is a successive motion, the Court denies it without ordering a response from the United States.

On July 15, 2009, Movant filed his first motion to set aside and vacate his sentence. On September 21, 2009, Respondent filed its answer. On July 21, 2010, the Court issued an order denying Movant's section 2255 motion. On October 28, 2010, Movant filed a second motion under section 2255. On February 22, 2011, the Court denied this motion on the ground that it was a successive motion and, under 28 U.S.C. section 2255(h) and 28 U.S.C. section 2244(b)(3)(A), before a successive motion may be filed in the district court, a prisoner must move in the appropriate court of appeals for an order authorizing the district court to consider it.

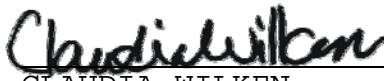
1 The instant motion is Movant's third motion under section
2 2255. Movant has not filed an order from the Ninth Circuit
3 authorizing this Court to consider this motion. Therefore, for the
4 same reasons the Court denied Movant's second motion, this third
5 motion is denied.

6 Before filing any future section 2255 motions in this Court,
7 Movant must first apply to the Ninth Circuit Court of Appeals for
8 an order authorizing the filing.

9 Accordingly, this successive section 2255 motion is denied.
10

11 IT IS SO ORDERED.
12

13 Dated: 9/29/2011
14


CLAUDIA WILKEN
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 USA et al,

6 Plaintiff,

Case Number: CR08-00283 CW

7 v.

8 **CERTIFICATE OF SERVICE**

9
10 JAMES WILLIAM SARRATT et al,

11 Defendant.
12 _____
13 /

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
15 Northern District of California.

16 That on September 29, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
17 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
18 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
19 in the Clerk's office.

20 JAMES WILLIAM SARRATT
21 12327-111
22 FCI Herlong
23 P.O. Box 800
24 Herlong, CA 96113
25 PRO SE

26 Dated: September 29, 2011

27 Richard W. Wieking, Clerk
28 By: Nikki Riley, Deputy Clerk